

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

KEMPER INSURANCE COMPANY, §
Plaintiff §
§
§
v. §
UNITED STATES OF AMERICA, §
Defendant §
§

Case No. 1:24-CV-00436-RP

O R D E R

Plaintiff Kemper Insurance Company filed its Complaint on April 22, 2024. Dkt. 1. To date, however, there is no indication that Plaintiff has served Defendant United States of America with the complaint and summons. “If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” FED. R. CIV. P. 4(m). More than 90 days have passed since Plaintiff filed its Complaint.

IT IS ORDERED that Plaintiff shall show cause in writing on or before **August 23, 2024**, as to why the claims against Defendant should not be dismissed for failure to timely effect service. Failure to do so may result in the dismissal of this action. *See* FED. R. CIV. P. 41(b) (action may be dismissed for want of prosecution or failure to comply with court order); *Larson v. Scott*, 157 F.3d 1030, 1031 (5th Cir. 1998) (district court has authority to dismiss case for want of prosecution or failure to comply with court order).

SIGNED on August 6, 2024.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE